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Arnold Schwarzenegger
Governor

November 3, 2009

The Honorable Roger Niello
State Capitol, Room 6027
Sacramento, California 94249-0115

Dear Senator Niello:

Thank you for your letter urging delay in implementing two regulations designed to cut emissions of diesel soot because of the State's current economic situation. We take your views very seriously. In fact, the Board has scheduled a hearing in December to review the status of these rules and to consider the effect of the economy on diesel emissions.

I want to assure you that the Board and staff have made extensive efforts to design these rules to be both cost-effective and fair. Both the Truck and Bus Regulation (Truck Regulation) and the In-Use Off-Road Diesel Vehicle Regulation (Off-Road Regulation) were developed through extensive outreach. We considered input from hundreds of experts, witnesses and commenters.

For the Truck Regulation, more than 50 workshops were held in 12 cities across the state between April 2006 and December 2008. The Board received nearly 500 comment letters and considered testimony from over 90 witnesses over the course of two days. As a result, substantial revisions were made to the regulation to address economic concerns, including gradually phasing the regulations in and spreading out the cost of compliance over more than a decade, adding flexibility for small fleets, and making unprecedented efforts to provide grants, loans and other financing mechanisms to reduce the out of pocket cost to fleets most impacted by the current recession.

Similarly, the Board gave careful consideration to the economy in adopting and later revising the Off-Road Regulation. Thirteen workshops and six public meetings were held in six cities across the state in the development of the regulation between November 2006 and July 2007. The Board received comment letters from over 300 stakeholders and considered testimony from over 130 stakeholders during the course of two Board meetings in May and July 2007. In January of this year, the regulation was revised to extend the deadline for receiving early credit for the installation of verified diesel emission control strategies, and in July the regulation was further modified to

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

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soften the requirements for many large fleets in 2010 through 2012, again in consideration of the current recession.

These delays are not without cost. There are approximately 4,500 premature deaths and over 71,000 cases of asthma and lower respiratory illness in California each year associated with on-going exposure to diesel exhaust. These illnesses and deaths have direct and indirect costs to our state as well as the affected individuals and their families. ARB's mission is to protect people from the adverse health effects of air pollution, and we attempt to do this in a way that minimizes costs and maximizes benefits. We not only design regulations with these principles in mind, we also monitor regulatory implementation and make changes if circumstances warrant. We look at availability of equipment, problems with installation, and new information about emissions. We also consider the fact that many truck, bus, and equipment owners have already complied with or are in the process of complying with emission reduction regulations.

Your letter cites testimony from a constituent having difficulty complying with ARB's diesel regulations. Please urge any businesses that contact your office with questions or problems in complying with these rules to contact ARB or the relevant local air district to determine what compliance flexibility and financial assistance they may qualify for.

We need your help in spreading the word about a new low cost loan program, designed by ARB in coordination with the Treasurer's Office, which can assist with replacement or retrofit of diesel trucks and construction equipment. ARB also maintains a diesel hotline at (866) 634-3735 and maintains a diesel truck information website at <http://www.truckstop.ca.gov>. Questions may also be emailed to 8666diesel@arb.ca.gov.

Detailed information about these issues, as well as an evaluation of the effects of the economy on emissions, will be presented to the Board at our December meeting. Staff is currently gathering information for its report and welcomes specific, factual comments. Following the presentation and public comment, the Board may direct staff to make further adjustments to the regulations. If you have any questions or any further concerns, please contact Mr. Rob Oglesby, Director, Office of Legislative Affairs, at (916) 322-8520, or by e-mail at roglesby@arb.ca.gov.

Very truly yours,



Mary D. Nichols
Chairman

cc: See following pages.